

APPROVED: Meeting No. 38-85

ATTEST: *Helen McKeough*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 35-85

June 24, 1985

The Mayor and Council of Rockville, Maryland, convened in executive session in the City Manager's Conference Room, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, June 24, 1985, at 6:50 p.m. in order to consult with legal counsel.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

Councilman John Tyner, II
(arrived at 6:55 p.m.)

The Mayor in the Chair.

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 7:05 p.m.

Re: General Session

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, June 24, 1985, at 7:05 p.m.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow;
Secretary to the City Clerk Patricia Rager.

Re: Discussion of
Preliminary Design
Concepts - Westmont

Mr. Kenney addressed the Mayor and Council. He explained that since a large user was lost for the Westmont site, his company now needs to market some new ideas and is here tonight to run some new ideas past the Mayor and Council such as the possibility of a road over the dam. This would depend on if they could get a large user. Another idea is the possibility of a hotel and health club next to the lake. He told the Mayor and Council that this evening, he is only looking for some guidance and policy decisions from the Mayor and Council. He then introduced Mr. George Dickey, from the architectural firm of HOK. With the help of drawings, Mr. Dickey outlined to the Mayor and Council the Preliminary Concept Plan for the Westmont Tract. He showed where the lake would sit and how the hotel and health club would be to the west of the lake, with a boat landing on the north side. He explained the "gateway" concept. He showed the placement of the office buildings along West Ritchie Parkway and Monroe Street "extended" and how these two roadways would be lined on both sides with trees in hopes of getting a boulevard effect. He noted that residential housing would be situated in the northeast corner with the type of housing to be left up to the developer. There will also be a campus green in the southeast corner, keeping the buildings to a minimum to please the surrounding neighborhood. The buffer will be kept at 65 feet and more in some other places. He reviewed the square footage for each area. Mr. Dickey said the central focus of the project is the hotel and health club and where they will be located. Mr. Dickey then answered questions from the audience and the Council.

Mr. Kenney told the Council that to go any further would cost a lot of money on studies, getting a commitment on the club, etc. He said he would like to know the Mayor and Council's feeling for the 1) proposed hotel and club, 2)

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distribution of roadway, heights and parking, and 3) proposed residential area. He asked the Mayor and Council's preference for housing, either rental or owner, and if access is to be from the north or from the south or both.

Councilman Abrams asked if it was too early to discuss staging plans. Mr. Kenney said it probably is because he sees coming back several time to talk about "the basics" with the Mayor and Council. He said if he had some kind of guidance from the Mayor and Council he can proceed with the plans. Councilman Abrams asked if he has given up the idea of a principal tenant or were he able to find a user would this concept be appealing and attractive. Mr. Kenney said he has not given up the idea of a large user but there are not that many.

Leah Barnett, present in the audience and a member of the Rockville Planning Commission, noted that a proposal for a hotel has been received from Forty-One Limited Partnership. She asked if this would impact Mr. Kenney's proposal. Mr. Kenney said yes it could but noted that he has had some interest from a major hotel. Mr. Boebel, Chairman of the Planning Commission, asked if two major hotels would hurt. Mr. Kenney said at this time he does not know and further studies would need to be done. He added that the lake will be a big drawing factor.

Mr. Kenney said it is expected that the residential site will be sold to developers and showed the Mayor and Council several sketches done by area developers on how they would develop the land.

Councilman Tyner asked when Mr. Kenney would like to have some kind of guidance from the Mayor and Council and he asked if staff has any comment. Mr. Owens, Chief Planner for the City, said that there is not enough information given for his staff to go on. Mr. Kenney stated that this is only at the policy level and that there are still many more details to be covered. Mr. Blick noted that the staff has found many good aspects to this plan but they would like more information. The staff would need 3 to 4 weeks given vacation schedules. Mr.

Glasgow asked Mr. Kenney if he had filed a concept plan with the City Clerk's office. Mr. Kenney said no and reiterated that he is interested in only getting a policy statement from the Mayor and Council at this time and that this is not a detailed plan. A lot more money and time need to be spent. Mrs. Barnett asked the viability of a hotel on either side of I-270. Councilman Tyner asked if this is a stand-alone hotel and would service this site only and that Mr. Kenney will need to do a market study. Councilman Tyner also said that the Council has to take Mr. Kenney's presentation at face value and noted that the Mayor and Council has not even seen any other proposal for a hotel. Westmont was here first and it is not what Fortune Park will do but what will Westmont do. Mr. Blick said these are overriding questions and he will have the staff try and put together some pros and cons. His second concern is the residential area. He reminded the Mayor and Council that they have asked for a work session on the City's proposed Housing Policy in July and said that maybe at that time the issues concerning rental or ownership could be discussed. Mayor Hovsepien said that Mr. Kenney is not here to wait until July and that he needs some kind of guidance tonight. Councilman Tyner said he needs to see what the market place will provide. He likes the idea proposed and and he likes the hotel as long as it is an integral part of the campus scene. He said he feels the residential area should have access only from the north. Councilman Duncan noted that once the access is decided then the type of housing can be considered. He agrees the access should be from the north. It was the consensus of the Council that the access will be from the north.

Mr. Glasgow addressed the Council and said his understanding from the discussion tonight is that Mr. Kenney needs to know from this Council if they agree with the general concept shown tonight so that a concept plan can be put together for filing. He suggested that the Mayor and Council not get over

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critical and do not get too far into discussion tonight. Mr. Kenney again said that he is just looking for some kind of direction. Mr. Boebel said what Mr. Kenney has shown tonight does meet the criteria of the Master Plan. He cannot do anything else but say come back with more information to see if it is viable. Councilman Tyner expressed concern about the dam being a single spill way and not two as originally proposed. Mr. Kenney said he has spoken with the original engineers and will be getting guidance from them. Preliminaries have only been done on this. Councilman Abrams said he has some reservations and expressed his concerns. He said he is also concerned with the residential area blending in with this concept. Mr. Kenney said he feels this concept blends in better than the other concept. Mayor Hovsepien asked the feeling of the Council. Councilman Abrams said he would like to know the feeling of the Mayor. Mayor Hovsepien said she basically likes the idea. She would like to see some combination in the residential section not all garden apartments or townhouses. She does like the new layouts proposed for housing. The scenic route from I-270 is more pleasing. She is not familiar with topography but hears what Councilman Abrams is saying about the traffic. Overall, she likes the presentation. Councilman Tyner asked about the number of lanes on Ritchie Parkway around the lake. He noticed that the turn lane has been reduced from two lanes to one. Mr. Kenney explained that the second lane was not needed. Councilman Tyner said he would like to see some documentation when Mr. Kenney returns. He, too, likes the points Councilman Abrams has raised. Councilman Tyner asked if there was a price tag on the cost of the units for housing. Mr. Kenney explained that basically what has been done is his office has contacted several developers. They were told the size of the property, a little about the surrounding area, what the market will handle, etc. and this is what they came up with. Councilman Tyner said he would still like to know the price tag.

Mayor Hovsepien asked Mr. Kenney if he had gotten enough guidance from the Council this evening. Mr. Kenney said he had and thanked the Mayor and Council for coming early to hear the presentation.

Re: City Manager's Report

Mr. Blick reported the following:

1. The Montgomery County School Board has released a report on School Facilities in Area II. One of the issues discussed in the study concerns the underutilization of Richard Montgomery High School. One of the alternatives in the report includes the closing either of Woodward or Walter Johnson high school. Another alternative is adjusting some elementary school boundaries within the City of Rockville.

The Superintendent would like comments on this report by July 17. He will then make preliminary recommendations on these issues around August 23. In late October or early November, the Superintendent will make a final recommendation to the Board of Education on the issues contained in the report. In November, public hearings will be held by the School Board on the recommendations being considered and in December, the Board of Education will make its decisions.

Councilman Tyner noted that copies of this report have been sent to the affected schools by the School Board but would like the City Manager to mail a copy of the report to each school so that the Mayor and Council can be sure they did receive it. Councilman Abrams said he has reviewed this document and has talked with those that will be affected by the proposed changes. He said the Mayor and Council's policy on boundary changes must be reiterated to the School Board.

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Re: Proclamation: To
Honor Rockville
Mustang Soccer Team

Proclamation No. 11-85

There being no objection from the Council, Mayor Hovsepien proceeded to issue Proclamation No. 11-85 recognizing the Rockville Mustangs and their coaches for their championship season and wishing them good luck as they participate in the New England Mid-Atlantic States Regional Championship Tournament in Niagra Falls, New York. Councilman Hartogensis read the proclamation on behalf of the Mayor and Council. Mayor Hovsepien presented the proclamation to Coach Owings and wished the boys good luck.

Re: Citizen's Forum

The Mayor opened the meeting to those citizen's who wished to address the Mayor and Council.

1. Michael Patterson, Chairman of the Historic District Commission. Mr. Patterson told the Mayor and Council that at the last meeting of the H.D.C. he was informed by Howard Metro and Charles Rand that they had been given until June 26, 1985 to cease and desist certain activities or be removed from their positions as commissioners on the H.D.C. He explained Mr. Rand's position as having done no wrong and said that the Ethics Ordinance deprives him of the right to petition the city for redress of grievance as well as depriving him of his right to protest any action taken by the City against him. In Mr. Metro's case a constitutional question has been raised with regard to his right to privacy and his resentment at having to disclose his financial status to the world. Mr. Patterson asked that the Mayor and Council take the Ethics Ordinance back to the drawing board and attempt to revise it so that such questionable results as those involving Messrs. Rand and Metro can be avoided in the future. Mr. Patterson noted that both commissioners have been very valuable assets to

the Commission and their loss to the commission would be felt strongly. He again reiterated his request for the Mayor and Council to cease and desist this "wholly inappropriate treatment" of Mr. Rand and Mr. Metro. He asked that they go by the letter of the law rather than the spirit of the law.

Mayor Hovsepian noted that the part applying to Mr. Rand has always been in the Ethics Ordinance but that the part of having the Historic District Commission file a Financial Disclosure statement is a recent addition. Councilman Tyner said the Council will be following all the right procedures. He noted that the council held over 27 hours of work sessions on the proposed Ethics Ordinance and that the Council did not hear anything on these specific points raised from either the commissioners in question or the commission itself. He repeated Mayor Hovsepian's statement that the one part against Mr. Rand has been in effect since 1974. Mr. Patterson said his commission did review the ordinance with those present at the meeting and they did not come up with any potential problem areas.

2. Richard Resnick, 953 Farm Haven Drive. Mr. Resnick said he would like to speak to the item mentioned in the City Manager's report this evening. He has reviewed the 57 page report and sees disturbing figures. He said he does not understand the statement of "City of Rockville's perception". The North Farm community understands the City's position as no redistricting or changing of boundaries. He would like that position sent loud and clear to the School Board since this matter deeply affects the North Farm community. He asked that the letter be sent before July 17.

3. Dick Arkin, 525 Lynch Street. Mr. Arkin addressed the Mayor and Council concerning the recently adopted FY 86 Budget. He noted that at a recent U.S. Conference of Mayors meeting concern was expressed regarding the impact of President Reagan's proposal to discontinue revenue sharing and other federally

funded programs. He said there is no cause for worry in Rockville since city officials have carefully avoided any dependency on federal funds. He said there are several additions to the budget and CIP that are worth noting such as the funds being added to update the Master Plan. He said he has been speaking about this necessity for years but added that more than an update is needed; a comprehensive revision is needed as well. Other commendable additions to the budget were made for human and social service programs and for the City's advisory commission on education. He noted the funding for highway improvements to the Area 12 plan as well as improvements to the theatre and the Senior Center. He noted how the tax rate has dropped from \$1.23 to only \$.88.

4. Robert Jacques. Mr. Jacques said he is concerned about the arguments he has heard made about the proposed Westmont concept. Though he does not know about the planning issues involved he does know about the assessment and taxation part. He said he wonders if the City should not start considering the worse case scenario, i.e. what if the project goes bust. He asked what guarantee does the City give if the hotel project fails. Is the City liable and are there any concessions if the City is left holding the bag. It is perception that hotel and office space seems to be causing an enormous glut. Councilman Tyner told Mr. Jacques that the hotel is a private venture and the City does not pay for it. Mr. Jacques said there is already one City owned hotel. Councilman Tyner said if a private businessman wants to come in and do the research studies and put up a hotel, that is his own venture. Mr. Jacques said it seems the City has a problem if there are large office buildings left vacant because the City loses taxes.

5. Jeryl Gegan, 852 College Parkway. Mr. Gegan alerted the Mayor and Council to an unsafe condition that exists at Paulsboro Road and West Ritchie Parkway. There are a large number of children in the Rockshire community that

must travel to school via West Ritchie Parkway. The only method for them to get across the street is to dart across. He introduced Christine Albro of 928 Paulsboro Drive. Miss Albro addressed the Council and told first hand how kids run across the street with cars traveling 50 to 60 m.p.h. though the speed limit is only 30. The cars do not slow down for the kids but just beep their horn. She asked the Mayor and Council to install a cross walk. Mr. Gegan said this is a request that he has heard from others in the Rockshire area. He asked if the City could paint a cross walk and put up a school crossing sign. He asked that it be installed in the summer so that it is in place when school starts in the fall.

Councilman Hartogensis said he had made a suggestion during the budget work sessions that a light be put up at Greenplace and West Ritchie Parkway but was told that the traffic situation does not warrant a light. He asked for the support of the Council. Councilman Abrams asked Mr. Goodin if the cross walks could be painted and if there is time to have it done during the summer. Councilman Hartogensis asked if is possible to put a cross walk in at both places. Mr. Goodin said he would check into this.

6. Steve Fisher. Mr. Fisher reminded the Mayor and Council of the Civic Federation meeting tomorrow night at Montgomery College. He noted that the Mayor has been invited and he hopes for a good turn out of people.

He noted at the intersection of Lincoln and First Street the trees are covering up the Stop sign. He asked that a sign be placed ahead of the Stop sign stating "Stop Sign Ahead"

There being no other citizen wishing to be heard, the Mayor closed the Citizen's Forum portion of the meeting.

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Re: Introduction of Ordinance:
To grant Map Amendment
Application, M-42-85, J.
Lynott, Jr. Atty., for Wm.
Rickman, requesting the
rezoning of an 11.78 acre
tract on Research Blvd.
from the I-2, Light
Industrial Zone to the I-
3, Industrial Park Zone

On motion of Councilman Abrams, there was introduced upon the table an ordinance to grant Map Amendment Application, M-42-85, requesting the rezoning of an 11.78 acre tract on Research Blvd. from the I-2 Light Industrial Zone to the I-3 Industrial Park Zone, said ordinance to lay over at least one week before final action is taken.

Re: Introduction and Adoption
of Ordinance: To amend
the Annual Appropriations
Ordinance to reduce the
tax rate on personal
property to \$0.234 on each
\$100 assessable value

Ordinance No. 17-85

On motion of Councilman Tyner, there was introduced upon the table, an ordinance to amend the Annual Appropriations Ordinance to reduce the tax rate on personal property to \$0.234 on each \$100 assessable value, said ordinance to lay over at least one week before adoption.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the publication and layover requirements were waived.

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 17-85, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, amending the appropriations ordinance was adopted by the Mayor and Council.

Re: Introduction of Ordinance:
Special Assessment Project
- To levy assessments for
the widening of South
Stonestreet Avenue from
Baltimore Road to Reading
Avenue, Project 0L22

In the past, as required by the Charter, the City has held a public hearing prior to commencing the construction of any public work or improvement designating the location, extent and kind of work or improvement proposed to be done, the estimated cost of the improvement, the real property which will be specially benefited there, and the amount proposed to be assessed against the properties. At the time of the initial public hearing, the owners of the properties proposed to be assessed can testify concerning the public improvement project, including the amount of the proposed assessment. Upon conclusion of the public hearing, the Mayor and Council enacts another ordinance authorizing the public improvements project and upon completion of the project itself, enacts a further ordinance levying assessments against the properties benefited thereby.

During the past two years, three separate lawsuits were filed against the City challenging special assessments levied in connection with the public improvement projects involving Monroe and Fleet Streets as well as Dover Road. The affected property owners complained that the City never held a public hearing on the ordinance which actually levied a special assessment on their property, thereby depriving them of an opportunity to comment on the specific amount of the assessment to be levied against them. Although the court in these cases found in favor of the City and indicated that the City is not required by law to provide a further public hearing at the time of levy of the special assessment, it did become clear that the better practice for the City would be to hold a public hearing at the time that a specific assessment was to be levied by ordinance against property owners in connection with a public improvement project.

Therefore, staff recommends that the Mayor and Council introduce the ordinances levying assessments in connection with projects OL22 and 4C12 and direct that a public hearing be held on these two ordinances at the next available date, and request that the City Clerk give written notice of the public hearing on the two ordinances to the owners of the properties proposed to be assessed. As to project 4D12, since written waivers have been received from the affected property owners, no public hearing would be required in connection with the assessments to be levied and the ordinance be brought back for adoption at the Mayor and Council's next meeting.

On motion of Councilman Duncan, there was introduced upon the table an ordinance to levy assessment for the widening of South Stonestreet Avenue from Baltimore Road to Reading Avenue, said ordinance to lay over at least one week before final action is taken and to be the subject of a public hearing on August 12, 1985.

On motion of Councilman Duncan and Councilman Tyner, duly seconded and unanimously passed, a public hearing was requested as recommended by staff and the City Clerk was instructed to notify the affected owners, by mail, of the hearing date.

Re: Introduction of
Ordinance: Special
Assessment Project - To
levy assessments for the
widening of the southside
of Brent Road, from Calvert
Road to 150 feet east -
Project 4C12

On motion of Councilman Abrams, there was introduced upon the table, an ordinance to levy assessments for the widening of the southside of Brent Road, from Calvert Road to 150 feet east, said ordinance to lay over at least one week before final action is taken.

On motion of Councilman Abrams and Councilman Duncan, a public hearing was requested as recommended by staff and the City Clerk was instructed to notify all affected property owners, by mail, of the August 12 date of the hearing.

Re: Introduction of Ordinance:
Special Assessment Project
- To levy assessments -
Driveway Aprons - various
locations. Project 4D12

On motion of Councilman Abrams, there was introduced upon the table an ordinance levying assessments for driveway aprons at various locations. Said ordinance to lay over at least one week before final action is taken.

It was noted that since written waivers have been received from the affected property owners, a public hearing is not needed.

Re: Award of Contract: Bid
No. 79-85, Orchard Ridge
Phase III - Water & Sewer

Bids were opened on Tuesday, May 21, 1985, in the Mayor and Council Chamber, covering the construction of water and sewer mains and house services to serve ninety-six (96) single family homes in the final of three (3) development phases of Orchard Ridge Subdivision. This system was authorized by the Mayor and Council as a special assessment project on June 4, 1979.

Seventeen (17) contract documents were picked upon by contractors and twelve (12) bids were received as follows:

Nazario Construction, Co., Inc., Beltsville, MD	\$280,250.00
Calcon Company, Inc., Gaithersburg, MD	\$282,652.50
Joseph Canova & Son, Inc., Laurel, MD	\$293,002.50
Rapp Contracting, Inc., Beltsville, MD	\$301,988.00
C. Marinucci Company, Inc., Bethesda, MD	\$303,041.50
DiMeglio Construction Co., Beltsville, MD	\$317,757.50
W. F. Wilson & Sons, Inc., Ellicott City, MD	\$338,132.50
R. J. S. Contractors, Inc., New Market, MD	\$340,772.50
Deneau Construction, Inc., Gaithersburg, MD	\$348,790.00
Richard F. Kline, Inc., Frederick, MD	\$370,376.55
Marvaco, Inc., Fairmont Heights, MD	\$469,701.00
A. J. Ellis Construction Co., Inc., College Park, MD	\$502,432.00
Engineer's Estimate	\$317,720.00

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A small portion of this bid will be funded from the Miscellaneous Water Interconnect Project, 6H33. This work is being accomplished at this time in coordination with the Orchard Ridge System to accommodate the future widening of Great Falls Road. Additional water system adjustments will be needed at the time of the Falls Road Interchange construction contract and will also be funded from the Miscellaneous Water Interconnect Project, 6H33.

The prices proposed by the low bidder, Nazario Construction Company, Inc., are reasonable. The contractor is experienced and is presently performing similar work for the City in an adjacent section of the Falls Ridge Subdivision in a satisfactory manner. Therefore, staff recommends award to the low bidder, Nazario Construction Co., Inc., in the amount of their low bid of \$280,250.00.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 79-85 for Orchard Ridge Phase III Water and Sewer System was awarded to the low bidder, Nazario Construction Co., Inc., in the amount of \$280,250.00.

Re: Approval of Waiver of On-site SWM - 726 Carr Avenue, West End Park

This site is located about 2,000 feet south of the Anderson Park SWM facility and about 2,000 feet west of the Welsh Park SWM facility in the Watts Branch Drainage area.

Both of these facilities will reduce excess flows so that the receiving stream can accommodate the relatively minor increase generated by the proposed development of a single family home on this lot.

While on-site SWM could be provided in the form of underground gravel chambers, such chambers would require removal of existing trees, would require recorded easements and maintenance agreements, and would require the City to make periodic inspections to assure performance, plus attendant enforcement including legal action if necessary to assure adequate functioning.

Because of the problems, it has been the City's policy not to require individual lots to provide on-site SWM especially where compensating SWM facilities exist and where adequate storm drains exist - such as the case at 726 Carr Avenue.

It is staff's recommendation that the on-site SWM requirements for this lot be waived and that the City accept a contribution of \$504.25 (0.25 acres @ \$2,017).

On motion of Councilman Hartogensis, duly seconded and unanimously passed, on-site SWM requirements for 726 Carr Avenue were waived and a contribution of \$504.25 was accepted.

Re: Approval of Waiver of On-site SWM - 401 Hungerford Drive

This site located at 401 Hungerford Drive is just north of the intersection of Beall Avenue and Hungerford Drive and is in the Rock Creek drainage area. The Engineer had planned and designed on-site SWM in the form of porous pavement, one of the State's highly preferred methods, however the Geotechnical study by Woodward-Clyde consultants reveals that the ground water table encroaches into the planned SWM reservoir by about one foot. State specifications require a two-foot separation between the bottom of a SWM reservoir and the top of the ground water table in order to reduce contamination of the ground water supply.

Since it is not feasible to provide this type of SWM on this site and since there are compensating SWM facilities in Maryvale Park a waiver of on-site SWM requirements is being sought.

Staff has been concerned with recent waiver requests because of new developments and requirements that could severely affect the contribution rates. Until recently, the acquisition costs of regional sites were nominal, quite often they were dedicated and only recording fees were incurred. In addition,

the State is placing much emphasis on water quality which involves measures and systems that will cost more to construct and to maintain, also the City expects certain amenities to be included on public-SWM facilities.

Until staff has a record and until such costs can be more accurately known, it is estimated these additional costs will be 66%. This would increase the existing \$12,000 per acre base rate to \$20,000.

The applicant is aware that an increase is being considered and so as not to hold up construction of his building has sent a letter to the City stating three options he would consider so that construction of his building is not held up.

The cost of a less desirable underground on-site SWM system is estimated at \$50,000 and until the City grants the request, staff would require and hold a bond for that amount.

The contribution at the present base rate of \$12,000 for 1.64 acres would be \$19,680. The balance, should the Mayor and Council concur with the \$20,000 base rate, would be an additional \$13,120 giving a total of \$32,800.

Considering the circumstances staff suggest that the developer be allowed to begin construction on the building as per the conditions in his letter.

Staff's recommendation is that the Mayor and Council grant the on-site waiver request and accept a contribution in two parts: \$19,680 now (1.64 acres @ \$12,000), and an additional \$13,120 (1.64 acres @ \$20,000 less the \$19,680 paid) when the new rate is established.

On motion of Councilman Abrams, duly seconded and unanimously passed, approval was given for waiver of on-site storm water management for 401 Hungerford Drive as recommended by staff.

Re: Discussion of County
Executive's Nomination of
Montgomery County
Courthouse Historic
District to the National
Register.

Montgomery County Government in consultation with Peerless Rockville has nominated for national register status the Montgomery County Courthouse Historic District. Staff has reviewed this nomination and concurs with the findings contained in the completed national register review nomination subject to the following exception.

Staff believes the national register nomination should be coincident with the existing zoned historic district boundaries. This would exclude the First National Bank which is not within an existing historic district. The property surrounding the First National Bank will be subject to intensive development associated with the courthouse square project. This development is the cornerstone of the Town Center revitalization effort. Staff is concerned that the national register nomination could possibly interfere with the timing of the construction of the hotel and office complex. The developers and the City have agreed that the First National Bank will remain as it is. However, the Hadid Group is negotiating to purchase portions of the rear lot of First National Bank as part of its development program.

So as not to frustrate the efforts of the developer or to create delays in the project, the staff does not recommend the inclusion of First National Bank in this nomination at this time.

The Historic District Commission unanimously voted to endorse the Montgomery County Historic District nomination to the National Register of Historic places with the condition that the nomination be amended to include only the "footprint" and south street frontage of the First National Bank at #4 Courthouse Square. In effect, this establishes a northern boundary for the

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district at the rear of the First National Bank building and removes the undeveloped lot behind the bank that contains no historic resources.

Mr. Blick explained to the Council that discussions have taken place about adding First National Bank to the register if it would not impede the building of the hotel. It was agreed that just the building and not the extra property of the bank is to be placed in the register.

Councilman Duncan asked if the nomination has been amended to include this. Mr. Horne said Peerless Rockville will handle this. Councilman Tyner asked if any thought had been given to coinciding this with the City's own historic district. Mr. Blick it is the recommendation of the staff not to change the boundaries of the City's Historic District. Councilman Hartogensis asked if this would impede the City from putting in underground parking. Mr. Blick said it would not.

It was the consensus of the Council to go with the amended plan.

Re: Introduction of Ordinance:
To amend Chapter 10 of the
Laws of Rockville entitled
Property Maintenance Code
to allow property viola-
tions to be corrected by
the City and the costs to
be assessed in the same
manner as property taxes.

On motion of Councilman Abrams, there was introduced upon the table an Ordinance to amend Chapter 10 of the Laws of Rockville entitled Property Maintenance Code, allowing property violations to be corrected by the City and the costs to be assessed in the same manner as property taxes, said ordinance to lay over at least one week before final action is taken.

Re: Review and Approval of
Preliminary Design of
Courthouse Square
Development

On June 3, 1985, the Hadid Investment Group and its architects presented

to the Mayor and Council, the Planning Commission and the Historic District Commission a description and explanation of its proposed hotel and office development on the Courthouse Square parcel. At that time a number of comments and/or suggestions were made by the reviewing bodies to be considered for inclusion in the final design.

Since the June 3 meeting the Architectural firm of Clark Tribble Harris and Li has studied the suggestions and has incorporated many of them into a revised design. A review of some of these changes was made by the staff on June 10.

Representatives of Hadid and their architects present at the meeting showed the Mayor and Council the revised design for the Courthouse Square development and are seeking Mayor and Council approval of the design so that they can continue their design efforts in order to meet the September 1, 1985 construction date.

On motion of Councilman Abrams, duly seconded and unanimously passed, the revised design for Courthouse Square development was approved by the Mayor and Council. Councilman Tyner reminded the developers of the September 1 deadline in which they would have to have begun construction of the hotel.

Re: Approval of Holiday Inn as
franchisor in Town Center Project

Section 5 of the First Amendment to the Amended and Restated Disposition and Development Agreement with New Rockville Town Center Partners provides that:

"The City's prior approval of the franchisor for the hotel to be constructed on Parcels H-1 and H-2 shall be required; provided, however, that if the franchisor selected by the Developer is Hilton, Hyatt, Marriott, Radisson, Sheraton, Stouffer or Westin, the proper approval of the City shall not be required; ..."

Hadid Investment Group, Inc., which has the controlling interest in New Rockville Town Center Partners has selected MARDECK Ltd. to be the operator for

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the Courthouse Square Hotel. It has also made application to Holiday Inns for a franchise for the subject hotel.

Since Holidays Inns is not one of the firms specifically approved in the agreement, a request has been made by the developer that the City approve Holiday Inns as the franchisor for the Courthouse Square Hotel. That request is made in accordance with the revised Section 3.01 (1) of the agreement as provided for in Section 5 of the First Amendment.

The operators selected by the developer have a proven record as owners and operators of Holiday Inns. The facility proposed by the developer meets the goals of the Town Center Plan. It is also consistent with the type of facility consistently recommended by the various hotel consultants which have studied the Courthouse Square site hotel potential during the past five years.

It is therefore recommended that the Mayor and Council approve Holiday Inns as the franchisor for the hotel to be constructed on Parcels H-1 and H-2 as stipulated in the First Amendment to the Revised and Restated Agreement.

Councilman Abrams asked where the developers stand with Holiday Inns. Mr. White said that an application has been filed for a franchise. He explained that there is a 45-day waiting period before the Holiday Inn Board and they are scheduled to go before them the last week in July. He said he sees no problem.

Councilman Abrams moved, duly seconded and unanimously passed, that approval be given to Holiday Inns to be the franchisor for the hotel to be constructed on Parcels H-1 and H-2 and that this approval is only to this developer and builder and not an amendment to the agreement.

Re: Award of Contract to
Partners for Livable
Places for assistance in
developing Rockville Pike
Master Plan

It is the intention of the Planning Department to obtain the services of Partner; for Liveable Places as part of the City's Corridor Action Planning

process in order to foster a mechanism designed to involve the business, residential and municipal sectors of the community in the planning process for Rockville Pike. In order to involve the neighborhood coalitions as well as the Planning Advisory Committee, the City needs to provide these groups with technical knowledge and expertise needed for the groups to suggest programs, strategies, and options for the Pike. In this regard, the Partners for Livable Places would assist the Planning Advisory Committee in determining the various comprehensive development schemes available to the City. In addition, the Partners would organize and lead participatory workshops to assist the coalitions in defining current and future expectations.

The proposal provided by Partners for Liveable Places is divided into two phases. Phase I is the development of profile options in conjunction with the Planning Advisory Committee. The total cost of Phase I is \$6,348.00. Phase II involves an analysis through neighborhood coalition workshops of the options outlined in Phase I leading to proposed strategies and plans for consideration by the Mayor and Council. The total cost of Phase II is \$17,372.00. Phase II will be optional subject to review and approval by the City Manager of the options outlined in Phase I.

Staff recommends that Partners of Livable Places be awarded a contract in the amount of \$6,348.00 for assistance to the Planning Advisory Committee in the development of profile options for the Rockville Pike Corridor. In addition, it is recommended that award be made for an option for a second phase involving the services of the Partners in organizing and coordinating neighborhood coalition workshops to analyze the options outlined in the first phase. Exercise the option for Phase II shall take place upon the review and approval by the City Manager of the options outlined in Phase I.

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Mr. Blick said he had nothing to add to what is in the brief book. He said that the City will use Partners as a broker to find specialists for each phase. Mayor Hovsepian asked if there was a time schedule. Mr. Blick said the first phase basically takes place during the summer. Councilman Tyner asked if there was any comment from the Planning Area 9 group or the business group. Mr. Blick said the Planning Area 9 group is 100% behind this as is the Planning Commission.

On motion of Councilman Duncan, duly seconded and unanimously passed, the contract was awarded to Partners for Livable Places as recommended by staff.

Re: Approval of spot roadway
improvements

The Traffic and Transportation Commission has completed its review of candidate projects for FY 86 Roadway Spot Improvements. For this upcoming year, an additional \$17,000 has been proposed in the City's CIP for these projects. At this time, another \$15,000 remains to complete Spot Improvements previously authorized.

This year, individual candidates have been put forward by the City, Montgomery County, State Highway Administration and private citizens.

The Commission's philosophy is to give the highest priority possible to projects emphasizing safety, with roadway capacity and improvement of pedestrian mobility also considered important. On this basis, the following is Traffic and Transportation Commission's prioritized list of nominees for the upcoming fiscal year:

<u>Priority</u>	<u>Project</u>	<u>Approximate Cost</u>
1	Halpine Road at Rockville Pike -- extended EB left turn lane	\$7,500
2	Edmonston Drive (Veirs Mill to Baltimore Road.) Curb ramps	\$4,000

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3	Templeton Place, closure of median west of Rockville Pike. (reimbursement of this project is possible)	\$3,000
4	Spot Widening - "Old" Ritchie Parkway at Brice Road	\$4,500
5	Curb Ramps - unspecified locations (5 total)	\$2,500
6	Sidewalk extension (for bus stop) - Maryland Avenue south of Washington St.	\$1,500

The total cost of \$23,000 for these projects exceeds the approximately \$17,000 available. Projects at the lower end of the list, that cannot be accommodated in FY 86 should be deferred for consideration in future years.

On motion of Councilman Abrams, duly seconded and unanimously passed, the priority for the FY 86 Roadway Spot Improvements was approved as recommended by staff.

Re: Award of Contract: Refuse
Collection - City Buildings

Invitations for Bid No. 5-86 was issued for the purpose of obtaining Refuse Collection Services for City of Rockville locations and for Rockville Housing Authority locations. Independent bids were requested for the City of Rockville and the Housing Authority locations. Bids were opened at 11:00 a.m. on Wednesday, June 18, 1985, and the following bids were received:

City of Rockville Locations

<u>Company</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>TOTAL</u>
Waste Management of Greater Washington, Temple Hills, MD	\$18,904.08	\$20,795.84	\$22,874.80	\$62,574.72
GSX Corporation (formerly United Disposal, Gaithersburg	\$22,204.00	\$24,050.00	\$26,494.00	\$72,748.00
Seneca Valley Container Corp, Dickerson, MD	\$22,947.60	\$25,242.36	\$30,290.00	\$78,479.96
Diversified Refuse Service Laurel, MD	\$24,167.00	\$25,714.00	\$27,586.00	\$77,467.00
Browning Ferris Industries Capitol Heights, MD	\$24,113.18	\$26,192.92	\$28,416.92	\$78,723.02

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The terms of evaluation and award allow for a contract for Year 1 alone or Year 1 and a combination of option years. Based on the above-referenced information, it has been determined that it would be beneficial to the City to make an award based on Year 1 with options for Year 2 and 3.

Waste Management of Greater Washington has provided evidence of either owning or contracts for a minimum of four full size refuse vehicles, in good working order required to satisfactorily provide the services. Staff has confirmed the company's references and its capacity and ability to properly complete the work.

Rockville Housing Authority Location

<u>Company</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>TOTAL</u>
Browning Ferris Industries	\$21,155.16	\$22,953.32	\$24,905.36	\$69,013.83
GSX Corporation (formerly United Disposal) Gaithersburg	\$21,736.00	\$22,880.00	\$24,024.00	\$68,640.00
Diversified Refuse Service, Laurel, MD	\$31,720.00	\$32,500.00	\$33,280.00	\$97,500.00
Seneca Valley Container Corp, Dickerson, MD	\$29,120.00	\$33,540.00	\$36,920.00	\$99,580.00
Waste Management of Greater Washington	\$30,064.32	\$33,070.96	\$36,378.16	\$99,513.44

Based on the above-referenced information, it has been determined that it would be beneficial to the City to make award based on Year 1 with options for Year 2 and 3.

GSX Corporation has been providing satisfactory refuse service to the City for the last three years.

Staff recommends that award be made to Waste Management of Greater Washington for the City of Rockville locations for Year 1 with options for Year 2 and 3 for the total value of \$62,574.72. It is also recommend that award be made to GSX Corporation for the Rockville Housing Authority locations for Year 1 with options for Year 2 and 3 for the total value of \$68,640.00.

The City shall exercise the options for Year 2 and 3 upon the review by the Contract Officer and the Director of Recreation and Parks as to the continued satisfactory performance of the Contractor and the price as still fair and reasonable.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 5-86 for refuse collection services for City of Rockville locations was awarded to Waste Management of Greater Washington for Year 1 with options for Year 2 and 3 in the total amount of \$63,574.72 and for refuse for the Rockville Housing Authority location was awarded to GSX Corporation for Year 1 with options for Year 2 and 3 for the total value of \$68,640.00.

Re: Approval of Minutes

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 27-85, May 14, 1985, were approved as written.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the Minutes of Meeting No. 33-85, June 3, 1985, were approved as corrected.

Re: Correspondence

1. Rockville Day Care Association, re loss of quarters

Councilman Hartogensis expressed his concern about the serious problem that exists when there is no day care available. He thinks that space could be found since there are willing people to staff the center. He hoped that the City can help remedy this problem.

2. Barry Scher, Giant, re meeting re Treatment Center (scheduled for 6/26)

Councilman Abrams said a response should be sent back to Mr. Scher indicating that the Treatment Center's request was considered during the budget process but was rejected. Mayor Hovsepian noted that she has a meeting set up with Mr. Scher and Mr. Pavlin on Wednesday. Councilman Abrams still felt that they should be informed by letter.

3. Letters re Community Day at Lincoln Park and street people

Mayor Hovsepian asked the status of the Lincoln Park Street People situation. Mr. Blick said that no one has been housed at the Center since March 18 and that the City is not advocating putting in a soup kitchen. It has been suggested but it would create a conflict and a problem in how the City would offer such a program.

4. Patricia Kauffman, re Monroe Street Park

5. Delegate Forehand, re bill submission

Councilman Tyner suggested that the delegation work with the staff on the Bill for the F. Scott Fitzgerald Theatre. He suggested that once the package is done and work has started then think about a tour of the facilities. Councilman Hartogensis asked that the City resubmit the bill to receive its fair share of hotel taxes.

6. Richard Terselic, re hubcap legislation

7. Robert E. Shoenberg, Board of Education, re Area 2 Task Force

Councilman Abrams said he will raise this issue under New Business. It is his feeling that before an article is put in the Newsletter that the Mayor and Council have a formal or informal meeting with Mr. Shoenburg since it is not clear what he is referring to. Mayor Hovsepian said it is her understanding that the Mayor and Council would get together with the School Board after the City reviewed the Area 2 report. Now the City has a deadline that does not fit the City's schedule and she said she does not like this. She is not sure if she understands the facilities process or scheduling and would like to discuss it. Councilman Abrams suggested that the Mayor and Council respond back and set up a meeting with the School Board to see if the two bodies arrive at the same understanding. The Council agreed that a letter should be sent. Mayor Hovsepian asked that the Task Force look at the report and review it.

8. Dr. Carricato, re Public/Private Partnership

Mayor Hovsepian asked if this had been settled. Mr. Blick said if it has not then it is in the "mill."

9. Marie Desmond, enclosing Task Group letter re Holladay/Tyler

Re: Information Items

1. Article on Rejuvenation of Rockville Mall
2. Copy of letter from MNCPPC re local planning for schools
3. Letter for MCPS to GM re grant
4. Memo re Fletcher Place Parking Problems

Councilman Abrams said a good job was done on the memo. He asked that the information be sent to the neighborhood on what the findings were and a reminder that the six month review is coming up. He asked if it has been scheduled. Mr. Blick said the process has been started.

5. Memo re tree lights - Courthouse Square Park
6. Memo re curbs on Veirs Mill Road

7. Response from League of Women Voters
8. Memo from City Attorney re Appeal of Text Amendment T-65-84
9. Memo re Bid No. 27-85
10. Memo re special agreement between Montgomery County & Tribune United
11. Memo re Rockville Day Care Association

Mayor Hovsepien expressed hope that space will be found.

12. Memo re Ritchie Parkway Environmental Report - "Finding of No Significant Impact"
13. Letter from County DOT re possibility of termination of Ride On service in certain areas

Councilman Hartogensis said if no one uses the system then it cannot be sustained. He said he does not know of a solution except to get more information from the riders and citizens. Councilman Duncan suggested increasing publicity about Ride On.

14. Memo from Police re Sharp family

Re: New Business

1. Councilman Abrams noted that there are changes in the Area 2 study that affect the boundaries of Rockville's elementary schools and there is a shift in the junior and senior high school patterns. He said it has been the position of the Mayor and Council to support "no boundary changes" in Rockville. The report suggests that the City has some other perception. He asked that the City respond to this by reiterating to the School Board the City's policy of "no boundary changes." He asked that this be sent in letter form with the Mayor's signature. It is his wish to maintain a dialogue through the City's Education Commission and the affected PTSAs. Councilman Duncan asked when the Mayor and Council will respond with a preliminary response. Mr. Blick said the next meeting of the Education Commission is not scheduled before the July 17th deadline. Staff will have to get in touch with the Chairman in order to set up a meeting. Councilman Duncan asked that a special meeting be set up. Councilman Tyner said Councilman Abrams' point is well taken. The City should take a fair

look at what has been proposed. Mayor Hovsepien said she would like to see the due date extended. Councilman Tyner said they won't extend it. Councilman Abrams said the City should be put on record as being firm in their position. Councilman Duncan asked what was meant by the School Board's statement about the "City's perception"? Councilman Duncan seconded Councilman Abrams' motion that a letter be sent to the School Board indicating that the City's policy is no boundary changes because of the instability created in the City and that the City will be sending additional comments by July 17. The City is willing to meet with them so that everyone is on the same communicative wave length. Councilman Abrams said this is a difficult situation with a difficult due date. Councilman Tyner suggested that the Mayor's letter should ask them "flat out" what is meant by the statement "Rockville's perception". Mayor Hovsepien asked Mr. Hobbs his feeling from the recent meeting he had with the School Board. Mr. Hobbs explained that it was his understanding that the School Board would be sending out two position papers, one would be the Facility's Plan and the other one being the Area 2 Study with the Area 2 study coming out first. He briefly explained the two. Mr. Hobbs said he would like to get with Dr. Shekletski to clarify these issues. Councilman Duncan said it looks like the wrong report came out first. Councilman Abrams said he would like to see included in the letter that he can understand the citizens' confusion because the Mayor and Council do not fully understand the facilities process currently being conducted by the School Board. If there is some ambiguity go back and redraw procedures since they are dealing with a highly emotional issue. Mayor Hovsepien said this Mayor and Council cannot make the School Board's decision but the point that Councilman Abrams made about understanding the process is important. Councilman Abrams said he would like to see the letter before it is sent out. Councilman Duncan asked that the Education Commission conduct a special meeting in order to prepare comments for the Mayor and Council to submit to the School Board.

2. Councilman Hartogensis said at the recent Maryland Municipal League Convention a workshop was held on running effective meetings. He has passed on the information he received to the rest of the Council and asked if staff could review the material and make suggestions on how to make Rockville's meeting move more smoothly. He noted that the City of Bowie has a consent calendar and that many routine matters could be disposed of.

Re: Executive Session

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the meeting was closed for executive session in order to confer with legal counsel, discuss property negotiation and personnel.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 10:05 to convene again on Monday, July 8, 1985, at 8:00 p.m. or at the call of the Mayor.